

UNITED STATES DISTRICT COURT

for the

Southern District of Georgia

United States of America

v.

David L. Burke

Date of Previous Judgment: January 24, 2002

(Use Date of Last Amended Judgment if Applicable)

)

)

) Case No: CR696-00007-004) USM No: 47483-019) Bruce S. Harvey

) Defendant's Attorney

2008 MAY 29 AM 10:17

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 162 months is reduced to 156 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 34Amended Offense Level: 32Criminal History Category: IIICriminal History Category: IIIPrevious Guideline Range: 188 to 235 monthsAmended Guideline Range: 151 to 188 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain): The Court has granted the defendant's motion for reduction of sentence; however, the Court notes it was very lenient at the time a Rule 35 reduction was ordered in this case. As such, the Court has only reduced the defendant's sentence by an additional six months.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated January 24, 2002, shall remain in effect.

IT IS SO ORDERED.

Order Date: May 29, 2008

Effective Date: _____
(if different from order date)


Judge's signature

B. Avant Edenfield
United States District Judge
For the Southern District of Georgia

Printed name and title